

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER )  
of the NEW ENGLAND TEAMSTERS AND )  
TRUCKING INDUSTRY PENSION FUND )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
PYTKO CONSTRUCTION CORP. )  
 )  
Defendant, )  
\_\_\_\_\_ )

C.A. No. 04cv12001NMG

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Charles Langone, moves for summary judgment pursuant to Federal Rule of Civil Procedure 56, upon the pleadings filed in this action and the accompanying Memorandum of Law, Statement of Undisputed Facts, Affidavit of Charles Langone and Affidavit of Catherine M. Campbell.

The undersigned certifies that her office has conferred with counsel for Defendant and has attempted in good faith to resolve this matter.

Dated: July 22, 2005

For the Plaintiff,

CHARLES LANGONE, as FUND MANAGER  
of the NEW ENGLAND TEAMSTERS AND  
TRUCKING INDUSTRY PENSION FUND By his  
Attorney,

/S/ Catherine M. Campbell  
Catherine M. Campbell, BBO# 549397  
Feinberg, Campbell & Zack, PC  
177 Milk Street  
Boston, MA 02109  
(617) 338-1976

Certificate of Service

I, Catherine M. Campbell, hereby certify that I caused a copy of the foregoing to be mailed this day by U.S. first-class mail to Roger LeBoeuf, Healdon Association, 58 Weybosset St., Suite 606, Providence, RI 02903.

Date: July 22, 2005

/s/Catherine M. Campbell  
Catherine M. Campbell